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COMMITTEE ON OFFICES OF PROFIT

SECOND REPORT

(THIRD LOK SABHA)

(Presented on the 8th April, 1964)

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JOINT COMMITTEE ON OFFICES OF PROFIT

(THIRD LOK SABHA)

Composition of the Joint Committee

Shri G. N. Dixit—*Chairman*

MEMBERS

Lok Sabha

2. Shri Rajendranath Barua
3. Shri M. L. Dwivedi
4. Shri N. R. Ghosh
5. Shri P. K. Ghosh
6. Shri M. M. Haq
7. Shri Harish Chandra Heda
8. Shri Paresh Nath Kayal
9. Shri Jaswantraj Mehta
10. Shri Yuveraj Dutta Singh

Rajya Sabha

11. Shri G. Rajagopalan
12. Shri Braja Kishore Prasad Sinha
13. Shri Hira Vallabha Tripathi
14. Shri K. V. Raghunatha Reddy
15. Shri Lokanath Misra

SECRETARIAT

Shri A. L. Rai, *Deputy Secretary.*

REPORT OF THE JOINT COMMITTEE

I

INTRODUCTION

I, the Chairman of the Joint Committee on Offices of Profit, having been authorised by the Committee to present the Report on their behalf present this Second Report of the Committee.

2. Subsequent to the presentation of the First Report to the House on the 30th April, 1963, the Committee held 12 sittings* *i.e.* on the 29th and 30th July, 21st September, 14th, 15th and 16th October, 20th December, 1963, and 20th, 21st, 22nd and 23rd January and 1st April, 1964 and considered 164 memoranda regarding composition and character of the committees constituted by the Central and State Governments and the emoluments and allowances payable to their members.

3. Detailed information regarding the composition, character and functions etc. of the committees and emoluments and allowances payable to their members was supplied by the respective Ministries/ Departments of the Central and State Governments on request made by the Lok Sabha Secretariat.

4. The Committee considered and adopted the Report on the 1st April, 1964.

5. The recommendations of the Committee in respect of committees, boards etc. examined by them are given in the succeeding paragraphs.

II

COMMITTEES, BOARDS ETC. APPOINTED BY CENTRAL AND STATE GOVERNMENTS

6. The Committee consider that the composition, character and functions of the committees, boards etc. mentioned in Appendix I are such that Chairmen and Secretaries thereof should not be exempted from disqualification and recommend that they should be included in Part II of the Schedule to the Parliament (Prevention of Disqualification) Act, 1959.

7. The Committee are of the opinion that composition, character and functions of the committees, specified in Appendix II are such that their membership, chairmanship or secretaryship ought not to disqualify.

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*Minutes of the sitting form part of the Report and are at Appendix III, pages 8—28.

III

REVIEW OF RECOMMENDATION IN RESPECT OF THE MADRAS SMALL SCALE INDUSTRIES AND HANDICRAFTS BOARD

8. The Joint Committee on Offices of Profit (Second Lok Sabha), in their First Report presented to the House on the 26th February, 1960 (vide para 21 read with Appendix II, item 1 under Government of Madras), had recommended for placing the Small Scale industries and Handicrafts Board, Madras, in Part II of the Schedule to the Parliament (Prevention of Disqualification), Act, 1959. In this connection, the Government of Madras represented to the Committee as follows:—

> ".....the Joint Committee on Offices of Profit has included the Chairman and Secretary of Small Scale Industries and Handicrafts Board, Madras in the list of those who should not be exempted from disqualification for being chosen as a Member of either House of Parliament. In this connection, I am to point out that the State Small Scale Industries and Handicrafts Board is purely an Advisory Board which has been constituted to generally assist the Government in promoting and developing small scale industries and handicrafts in the State.... The Chairman of the Board is a non-official and as he is an industrialist of considerable experience he has been nominated as the Chairman of the Board. The Secretary at present is an official, namely the Joint Director of Industries and Commerce, Madras. The Chairman serves the Board in a purely honorary capacity and draws only Travelling Allowances and Daily Allowance whenever he has to attend the meetings of the Board. If the Chairman were to be disqualified for being chosen as a Member of Parliament despite the fact he serves the Board purely in an honorary capacity, it will indeed be difficult for this Government to secure the services of non-official experts to serve on this Board. It is, therefore, of utmost importance that no disqualification should be attached to the Chairman or the Secretary if he happens to be a non-official. I am, therefore, to request that the Madras Small Scale Industries and Handicrafts Board may be deleted from Appendix II, and be included in Appendix III to the report which specifies the Committees whose composition and functions are such that their chairmanship or membership or secretaryship ought not to disqualify."

The Committee are of the opinion that the word "profit" connotes the idea of "pecuniary gain". In this connection, attention may also be invited to the decision of the Supreme Court in Ravanna Subanna *v.* G. S. Kaggeerppa (A.I.R. 1954, S.C. p. 653). Therefore, the Committee feel that, an office under the Government, to which no pecuniary gain is attached, cannot attract disqualification under

Article 102(1)(a) of the Constitution. However, the "offices" of Chairman and Secretary to which pecuniary gain is attached even though it might be less than "compensatory allowance" should be examined on merits.

The Committee consider that the character and functions of the Small Scale Industries and Handicrafts Board, Madras, are such that its Chairman and Secretary ought not to be exempted from disqualification even though the Chairman of the Board is entitled to a sum of money as T.A. and D.A. which is less than "compensatory allowance". The Committee, therefore, feel that it is not necessary to change the recommendation of the Joint Committee on Offices of Profit (Second Lok Sabha) in respect of this body.

G. N. DIXIT,
Chairman,
Joint Committee on Offices of Profit.

NEW DELHI;
The 1st April, 1964.

APPENDIX I

(*Vide* para 6 of the Report)

Committees, Boards etc., recommended to be included in Part II of the Schedule to the Parliament (Prevention of Disqualification) Act, 1959

UNDER CENTRAL GOVERNMENT

1. Central Advisory Committee on Raw Films.
2. Regional Advisory Committees on Raw Films at Bombay, Madras and Calcutta.

UNDER STATE GOVERNMENTS

Gujarat

1. Regional Transport Authorities Ahmedabad and Rajkot.
2. State Transport Authority Gujarat State, Ahmedabad.

Madras

Madras State Housing Board.

Uttar Pradesh

Board of Ayurvedic and Unani Tibbi systems of medicine.

APPENDIX II

(*Vide* para 7 of the Report)

Committees whose Membership, Chairmanship or Secretaryship ought not to disqualify

UNDER CENTRAL GOVERNMENT

1. Air India Corporation Advisory Committee.
2. Board of Directors of the Handicrafts and Handlooms Exports Corporation of India Ltd.
3. Indian Airlines Corporation Advisory Committee.
4. Rehabilitation Housing Corporation.

UNDER STATE GOVERNMENT

Andhra Pradesh

1. Advisory Board of Museums.

2. Andhra Pradesh State Advisory Board for Small Scale Industries.
3. Andhra Pradesh Sugarcane Advisory Committee.
4. Board of Indian Medicines, Hyderabad.
5. Board of Industries for the Andhra Area.
6. Committees for Industrial Estates at District Level.
7. Committee to deal with cases under Code of Conduct.
8. Evaluation and Implementation Committee at the State Level for private sector.
9. Evaluation and Implementation Committee at the State level for public sector.
10. Freedom from Hunger Contributions Committee.
11. Freedom from Hunger State Campaign Committee.
12. Local Evaluation and Implementation Committee for the Districts of Guntur and Krishna.
13. State Coordination Committee for Small Industries.

Madhya Pradesh

1. Amarkantak Township Development Board.
2. District Committee on Employment attached to each Employment Exchange in Madhya Pradesh.
3. Local Committees for Industrial Training Institutes at Rewa, Jabalpur, Indore, Bhopal, Gwalior, Koni, Khandwa and Raipur.
4. Madhya Pradesh Central Medical Board.
5. Selection Committees for the Selection of Craftsman Trainees at Craftsmen Training Centres at Raipur, Khandwa, Bilaspur, Jabalpur, Rewa, Gwalior and Bhopal.
6. State Apprenticeship Council.

Madras

1. Advisory Committee for each Rural Extension Training Centre.
2. Advisory Committee for Steel and Agricultural Implements.
3. Advisory Committee on the Conservation and Improvement of the Vedanthangal Bird Sanctuary.
4. Board of Examiners for Cinema Operators, Madras.
5. Board of Visitors under Rule 41 of the Suppression of Immoral Traffic in Women and Girls (Madras) Rules, 1958.

6. Committee for expediting the Implementation of the Pilot Project for the Utilisation of Cow-dung gas.
7. Committee for the selection of Auxiliary Nurse Midwives pupils.
8. Committee for the selection of Nurse pupils.
9. District Committee on Family Planning.
10. Forage Resources Board.
11. Inspection Committee Madras.
12. Local Advisory Committee for Potato Research and Development.
13. Madras State Film Advisory Board.
14. Managing Committees for the Aftercare Homes at Madras and Vellore.
15. State Advisory Board for Sago Industry.
16. State Agricultural Advisory Committee.
17. State Campaign Committee for Freedom from Hunger.
18. State Committee on Employment.
19. State Level Co-ordination Committee on training.
20. State Social Welfare Board.
21. State Tobacco Advisory Committee.

Maharashtra

1. Cattle Control Advisory Committee.
2. Dr. Gildar Committee.
3. Maharashtra State Fisheries Advisory Board.
4. Medical Service Committee (Allopathic under the Employees' State Insurance Scheme).
5. Medical Service Committee (Ayurvedic under the Employees' State Insurance Scheme).
6. Milk Consumers' Advisory Committee, Bombay.
7. Milk Consumers Advisory Committees under Government Milk Supply Scheme for Poona and for Nagpur.
8. Visiting Committee for Government Certified Schools.

Orissa

1. Orissa Board of Wakfs.
2 Shri Jagannath Temple Managing Committee.

Punjab

1. Advisory Board for the revision of District Gazetteers in the Punjab.
2. Advisory Committee for Light Engineering Products, Malerkotla.
3. Advisory Committee for Quality Marking Centre for Agricultural Implements and Machine Tools Batala.
4. Advisory Committee for Quality Marking Centre for Dyeing and Calico Printing, Ludhiana.
5. Advisory Committee for Quality Marking Centre for furnishing fabrics, Panipat.
6. Advisory Committee for Quality Marking Centre for Scientific Instruments, Ambala Cant.
7. Advisory Committee for Quality Marking Centre for Sports goods, Jullundur.
8. Advisory Committee for Textile goods, Amritsar.
9. Board of Ayurvedic and Unani Systems of Medicine, Pepsu, Patiala.
10. Board of Ayurvedic|Unani system of Medicines Punjab, Amritsar.
11. District Committees on Employment for Ambala, Sangrur, Mohinder Garh, Hissar and Gurdaspur.
12. District Gazetteer Revision Committees.
13. Punjab State Small Industries Board.
14. State Advisory Committee for the Rehabilitation Department.
15. State Committee on Employment for the State of Punjab.
16. State Wild Life Board.
17. Visiting Committee for provincialized Civil Hospitals.

Rajasthan

1. Board of Technical Education.
2. Committee for Affiliation, Inspection and Recognition of the Board of Technical Education.
3. Committee for Examinations of the Board of Technical Education.
4. District Committees on Employment at Ajmer, Alwar, Banswara, Jhunjhunu, Kota, Pali, Sikar, Tonk, Udaipur, Nagaur.
5. State Committee on Employment, Rajasthan.
6. State Cotton Committee.

7. State Oilseeds Committee.

8. State Sugarcane Advisory Committee.

Uttar Pradesh

1. Board of Editors, Ayurvedic and Tibbi Academy.

2. Board of Management to guide the administration of State Ayurvedic College and Hospital and to initiate proposals for the development of the Institution.

3. Standing expert Committee for the State Pharmacy of Ayurvedic and Unani Medicines.

4. Uttar Pradesh Homoeopathic Medicine Board.

5. Uttar Pradesh Press Accreditation Committee.

6. Uttar Pradesh Press Consultative Committee.

West Bengal

1. Committee for the management of the Zoological Garden, Alipore.

2. District Savings Advisory Committees (in each of the districts).

3. Fodder and Grazing Committee.

4. Governing Body for the management of the affairs of the Bengal Veterinary College.

5. Informal Consultative Committee for Community Development and N.E.S. Programme.

6. Land Utilisation Board.

7. Selection Board for recruitment of Milk Depot Staff.

8. State Savings Advisory Board

APPENDIX III

MINUTES OF THE JOINT COMMITTEE ON OFFICES OF PROFIT

I

Thirteenth sitting

The Committee met on Monday, the 29th July, 1963 from 15.00 to 16.01 hours.

PRESENT

Shri N. R. Ghosh—*In the Chair.*

MEMBERS

Lok Sabha

2. Shri M. L. Dwivedi.
3. Shri P. K. Ghosh.
4. Shri M. M. Haq.
5. Shri Paresh Nath Kayal.
6. Shri Jaswantraj Mehta.

Rajya Sabha

7. Shri G. Rajagopalan.
8. Shri Braja Kishore Prasad Sinha.
9. Shri Hira Vallabha Tripathi.
10. Shri K. V. Raghunatha Reddy.
11. Shri Lokanath Misra.

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

2. In the absence of Shri G. N. Dixit, the Chairman of the Committee, Shri N. R. Ghosh was elected Chairman for the sitting.

3. The Committee then took up for consideration Memoranda Nos. 136 to 156 circulated by the Secretariat regarding the composition and character of the various Committees/Bodies appointed by the State Governments.

4. The Committee felt that the following bodies were such that their membership, Chairmanship or Secretaryship ought not to disqualify :—

1. Board of Ayurvedic and Unani Systems of Medicine, Pepsu, Patiala (Punjab).
2. State Advisory Committee for the Rehabilitation Department (Punjab).
3. State Wild Life Board (Punjab).
4. Maharashtra State Fisheries Advisory Board (Maharashtra).
5. Milk Consumers' Advisory Committee, Bombay (Maharashtra).
6. Cattle Control Advisory Committee (Maharashtra).
7. Milk Consumers Advisory Committees under Government Milk Supply Scheme for Poona and for Nagpur (Maharashtra).
8. District Committee on Employment attached to each Employment Exchange in Madhya Pradesh (Madhya Pradesh).

9. State Apprenticeship Council (Madhya Pradesh).

10. Selection Committees for the Selection of Craftsman Trainees at Craftsmen Training Centres at Raipur, Khandwa, Bilaspur, Jabalpur, Rewa, Gwalior and Bhopal (Madhya Pradesh).

11. Local Committees for Industrial Training Institutes at Rewa, Jabalpur, Indore, Bhopal, Gwalior, Koni, Khandwa and Raipur (Madhya Pradesh).

12. Board of Technical Education (Rajasthan).

13. Committee for Examinations of the Board of Technical Education (Rajasthan).

14. Committee for Affiliation, Inspection and Recognition of the Board of Technical Education (Rajasthan).

15. State Cotton Committee (Rajasthan).

16. State Oilseeds Committee (Rajasthan).

17. State Sugarcane Advisory Committee (Rajasthan).

18. State Committee on Employment, Rajasthan (Rajasthan).

19. District Committees on Employment at Ajmer, Alwar, Banswara, Jhunjhunu, Kota, Pali, Sikar, Tonk, Udaipur, Nagaur (Rajasthan).

5. The Committee held over consideration of Memoranda Nos. 137 and 151 pending receipt of further information regarding the remuneration and allowances payable to the Chairmen of those bodies.

6. The Committee then adjourned to meet again on Tuesday, the 30th July, 1963 at 14.30 hours.

II

Fourteenth sitting

The Committee met on Tuesday, the 30th July, 1963 from 14·30 to 15.51 hours.

PRESENT

Shri G. N. Dixit—*Chairman.*

MEMBERS

Lok Sabha

2. Shri M. L. Dwivedi.
3. Shri N. R. Ghosh.
4. Shri P. K. Ghosh.

5. Shri M. M. Haq.
6. Shri Harish Chandra Heda.
7. Shri Paresh Nath Kayal.
8. Shri Jaswantraj Mehta.

Rajya Sabha

9. Shri G. Rajagopalan.
10. Shri Braja Kishore Prasad Sinha.
11. Shri Hira Vallabha Tripathi.
12. Shri K. V. Raghunatha Reddy.
13. Shri Lokanath Misra.

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

2. The Committee took up for consideration Memoranda Nos. 157 to 180 circulated by the Secretariat regarding composition and character of the various Committees/Bodies appointed by the State Governments.

3. The Committee felt that the composition and character of the following bodies were such that their membership, Chairmanship or Secretaryship ought not to disqualify :—

1. Board of Industries for the Andhra Area (Andhra Pradesh).
2. Andhra Pradesh State Advisory Board for Small Scale Industries (Andhra Pradesh).
3. State Coordination Committee for Small Industries (Andhra Pradesh).
4. Committees for Industrial Estates at District Level (Andhra Pradesh).
5. Evaluation and Implementation Committee at the State level for private sector (Andhra Pradesh).
6. Evaluation and Implementation Committee at the State level for public sector (Andhra Pradesh).
7. Local Evaluation and Implementation Committee for the Districts of Guntur and Krishna (Andhra Pradesh).
8. Committee to deal with cases under Code of Conduct (Andhra Pradesh).
9. State Level Coordination Committee on training (Madras).
10. Advisory Committee for each Rural Extension Training Centre (Madras).
11. State Social Welfare Board (Madras).
12. Shri Jagannath Temple Managing Committee (Orissa).

13. Orissa Board of Wakfs (Orissa).

14. Uttar Pradesh Press Accreditation Committee (U.P.).

15. Uttar Pradesh Press Consultative Committee (U.P.).

16. Governing Body for the management of the affairs of the Bengal Veterinary College (West Bengal).

17. Selection Board for recruitment of Milk Depot Staff (Government of West Bengal).

18. Fodder and Grazing Committee (West Bengal).

19. Committee for the management of the Zoological Garden, Alipore (West Bengal).

20. State Savings Advisory Board (West Bengal).

21. District Savings Advisory Committees (in each of the districts) (West Bengal).

22. Land Utilisation Board (West Bengal).

4. The Committee while considering Memoranda Nos. 169 and 170 noticed that the Bihar State Board of Religious Trusts, Bodh Gaya Temple Management Committee and Madras State Wakf Board occurred in Part II of the Schedule to the Parliament (Prevention of Disqualification) Act, 1959. The Committee desired that information regarding the composition and character of these bodies might be submitted to them for detailed examination.

5. The Committee held over consideration of the Board of Examiners for conducting Boiler Operation, Engineer Examinations (Andhra Pradesh) (Memorandum No. 165) in view of the fact that members of the Board were entitled to a sitting fee which was in excess of the "compensatory allowance" as defined in the Parliament (Prevention of Disqualification) Act, 1959.

6. The Committee decided that it was not necessary to consider Tender Committees for the Directorates of Dairy Development and Animal Husbandry, West Bengal (Memorandum No. 173).

7. The Committee reconsidered Memoranda Nos. 8, 21, 22, 38, 41, 47, 58 and 59 in the light of further information furnished by the State Governments concerned in pursuance of the decisions of the Committee at their earlier sittings. The Committee felt that the composition and character of the following bodies were such that their membership, Chairmanship or Secretaryship ought not to disqualify:—

1. Dr. Gildar Committee (Maharashtra).

2. Freedom from Hunger State Campaign Committee (Andhra Pradesh).

3. Freedom from Hunger Contributions Committee (Andhra Pradesh).

4. Madras State Film Advisory Board (Madras).

5. State Employment Advisory Committee (Madras) (Now re-named as 'State Committee on Employment').

6. Medical Service Committee (Allopathic under the Employees' State Insurance Scheme) (Maharashtra).

7. Medical Service Committee (Ayurvedic under the Employees' State Insurance Scheme) (Maharashtra).

The Committee also decided that it was not necessary to consider the State Haj Committee (Madras) (Memorandum No. 41).

8. The Committee authorised the Chairman to fix their next sitting.

9. The Committee then adjourned.

III

Fifteenth Sitting

The Committee met on Saturday, the 21st September, 1963 from 15.30 to 15.45 hours.

PRESENT

Shri G. N. Dixit—*Chairman*

MEMBERS

Lok Sabha

2. Shri M. L. Dwivedi
3. Shri M. M. Haq
4. Shri Harish Chandra Heda
5. Shri Jaswantraj Mehta

Rajya Sabha

6. Shri Braja Kishore Prasad Sinha
7. Shri Hira Vallabha Tripathi
8. Shri K. V. Raghunatha Reddy

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

2. The Committee, after a brief discussion of the composition, functions and character of Public Undertakings, decided to meet next on Monday, the 14th October, 1963 at 15·00 hours.

3. The Committee then adjourned.

IV

Sixteenth Sitting

The Committee met on Monday, the 14th October, 1963 from 15.00 to 16·20 hours.

PRESENT

Shri G. N. Dixit—*Chairman*

MEMBERS

Lok Sabha

2. Shri M. L. Dwivedi
3. Shri N. R. Ghosh
4. Shri P. K. Ghosh
5. Shri M. M. Haq
6. Shri Harish Chandra Heda
7. Shri Paresh Nath Kayal
8. Shri Jaswantraj Mehta

Rajya Sabha

9. Shri Hira Vallabha Tripathi
10. Shri K. V. Raghunatha Reddy
11. Shri Lokanath Misra

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

2. The Committee noted that Shri C. R. Raja, M.P. had intimated the Secretariat that he had been offered the membership of the Audition Board under the Ministry of Information and Broadcasting which carried a fee of Rs. 2 per tape (Maximum Rs. 25 per day) which would be in excess of the 'Compensatory Allowance' Admissible to members of Parliament. He had requested that either the membership of that Board might be exempted from disqualification or the Ministry might be moved to amend the rules about the fees and daily allowance for the members of the Audition Board so that members of Parliament might not be entitled to draw more than Rs. 21 as fees and D.A.

The Joint Committee on Offices of Profit (Second Lok Sabha) in paras 17-18 of their First Report had recommended that rules relating to statutory and non-statutory bodies, framed by Government should be amended to provide that Members of Parliament serving on them should not be entitled to any sum of money other than 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The attention of the Ministry of Information and Broadcasting was, therefore, drawn to the aforesaid recommendation and they were asked to amend the

rules relating to the payment of allowances to Members of Music Audition Board so as to bring them in conformity with the recommendation of the Joint Committee on Offices of Profit.

The Ministry intimated on the 29th July, 1963, that they had amended the Music Audition Board Rules in respect of the remuneration payable to members of Parliament who might be members of Panels of the Music Audition Board to provide that—

> "Members of Parliament serving as Members of the abovementioned panel shall not be entitled to any honorarium for conducting auditions or to any sum of money other than compensatory allowance as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959." (Memorandum No. 181).

3. The Committee took up for consideration Memoranda Nos. 182 to 200, circulated by the Secretariat regarding the composition and character of the various Committees/Bodies appointed by the Central and State Governments.

4. The Committee felt that the composition and character of the following bodies were such that Chairmen and Secretaries thereof should not be exempted from disqualification and that recommendation should be made for including them in part II of the Schedule to the Parliament (Prevention of Disqualification) Act, 1959:

(1) Central Advisory Committee on Raw Films, (Central Government).

(2) Regional Advisory Committees on Raw Films at Bombay, Madras and Calcutta (Central Government).

(3) State Transport Authority Gujarat State, Ahmedabad (Gujarat).

(4) Regional Transport Authorities Ahmedabad and Rajkot (Gujarat).

(5) Board of Ayurvedic and Unani Tibbi systems of medicine (U.P.).

5. The Committee felt that the following bodies were such that their memberships, chairmanship or secretaryship ought not to disqualify:

(1) Amarkantak Township Development Board (Madhya Pradesh).

(2) State Advisory Board for Sago Industry (Madras).

(3) Advisory Committee for Steel and Agricultural Implements (Madras).

(4) Committee for expediting the Implementation of the Pilot Project for the Utilisation of Cow-dung gas (Madras).

(5) State Campaign Committee for Freedom from Hunger (Madras).

(6) Advisory Committee on the Conservation and Improvement of the Vedanthangal Bird sanctuary (Madras).

(7) Local Advisory Committee for Potato research and Development (Madras).

(8) State Agricultural Advisory Committee (Madras).

(9) Managing Committees for the Aftercare Homes at Madras and Vellore (Madras).

(10) Board of Visitors under Rule 41 of the Suppression of Immoral Traffic in Women and Girls (Madras) Rules, 1958 (Madras).

(11) Board of Editors, Ayurvedic and Tibbi Academy (U.P.).

(12) Board of Management to guide the administration of State Ayurvedic College and Hospital and to initiate proposals for the development of the Institution (U.P.).

(13) Standing expert Committee for the State Pharmacy of Ayurvedic and Unani Medicines (U.P.).

6. The Committee deferred further consideration of Memorandum No. 196.

7. The Committee then persued the judgment of the Supreme Court in the case of G. Basu *Vs.* Shankari Prasad Ghosal and others. (Civil Appeal No. 486 of 1963) interpreting the expression 'office of profit held under the Government'.

8. The Committee then adjourned to meet again on Tuesday the 15th October, 1963 at 15.00 hours.

V

Seventeenth Sitting

The Committee met on Tuesday, the 15th October, 1963 from 15.00 to 17.20 hours.

PRESENT

Shri G. N. Dixit—*Chairman.*

MEMBERS

Lok Sabha

2. Shri M. L. Dwivedi.
3. Shri N. R. Ghosh

4. Shri P. K. Ghosh
5. Shri M. M. Haq
6. Shri Harish Chandra Heda
7. Shri Paresh Nath Kayal
8. Shri Jaswantraj Mehta

Rajya Sabha

9. Shri G. Rajagopalan
10. Shri Braja Kishore Prasad Sinha
11. Shri Hira Vallabha Tripathi
12. Shri K. V. Raghunatha Reddy
13. Shri Lokanath Misra

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

2. The Committee considered further Memorandum No. 196 regarding the request made by the Government of Madras for exempting the membership, chairmanship and secretaryship of the Small Scale Industries and Handicrafts Board, Madras, instead of placing that body in Part II of the Schedule to the Parliament (Prevention of Disqualification) Act, 1959, as recommended by the Joint Committee on Offices of Profit (2nd Lok Sabha) in their first Report, with particular reference to the implication of the term "Office of Profit".

The discussion was not concluded.

3. The Committee directed that decisions of courts of law on the term 'Office of Profit' may be circulated to the members of the Committee.

4. The Committee then adjourned to meet again on Wednesday, the 16th October, 1963 at 15.00 hours.

VI

Eighteenth Sitting

The Committee met on Wednesday, the 16th October, 1963 from 15.00 to 16.25 hours.

PRESENT

Shri G. N. Dixit—*Chairman.*

MEMBERS

Lok Sabha

2. Shri M. L. Dwivedi

4. Shri P. K. Ghosh
5. Shri M. M. Haq
6. Shri Harish Chandra Heda
7. Shri Paresh Nath Kayal
8. Shri Jaswantraj Mehta

Rajya Sabha

9. Shri G. Rajagopalan
10. Shri Braja Kishore Prasad Sinha
11. Shri Hira Vallabha Tripathi
12. Shri K. V. Raghunatha Reddy
13. Shri Lokanath Misra

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

2. The Committee took up for consideration Memoranda Nos. 201 to 225, circulated by the Secretariat regarding the composition and character of the various Committees/Boards appointed by the Central and State Governments.

3. The Committee felt that the composition and character of the Madras State Housing Board were such that Chairmen and Secretaries thereof should not be exempted from disqualification and that recommendation should be made for its inclusion in Part II of the Schedule to the Parliament (Prevention of Disqualification) Act, 1959.

4. The Committee felt that the following bodies were such that their membership, chairmanship or secretaryship ought not to disqualify:

(1) Board of Indian Medicines, Hyderabad (Andhra Pradesh).

(2) District Committee on Family Planning (Madras).

(3) Advisory Board for the revision of District Gazetteers in the Punjab (Punjab).

(4) District Gazetteer Revision Committees (Punjab).

(5) District Committees on Employment for Ambala, Sangrur, Mohinder Garh, Hissar and Gurdaspur.

(6) State Committee on Employment for the State of Punjab (Punjab).

(7) Advisory Committee for Quality Marketing Centre for Agricultural Implements and Machine Tools, Batala (Punjab).

(8) Advisory Committee for Quality Marketing Centre for Scientific Instruments, Ambala Cantt. (Punjab).

(9) Advisory Committee for Quality Marketing Centre for Dyeing and Calico Printing, Ludhiana (Punjab).

(10) Advisory Committee for Quality Marketing Centre for furnishing fabrics, Panipat (Punjab).

(11) Advisory Committee for Light Engineering Products, Malerkotla (Punjab).

(12) Advisory Committee for Quality Marketing Centre for Sports goods, Jullundur (Punjab).

(13) Advisory Committee for Textile goods, Amritsar (Punjab).

(14) Punjab State Small Industries Board (Punjab).

5. The Committee noticed that the Chairman, Secretaries and members of the Gujarat Housing Board and the Directors of the National Research Development Corporation of India were entitled to receive an amount in excess of the compensatory allowance as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The Committee were of the opinion that the Chairmanship, Secretaryship, membership or Directorship of those bodies ought not to be exempted from disqualification.

6. The Committee decided not to examine the following bodies as they consisted wholly of officials:

(1) Board of Directors of Hindustan Housing Factory (Central Government).

(2) Board of Directors of National Buildings Construction Corporation Ltd. (Central Government).

(3) Board of Directors of the State Trading Corporation of India Ltd. (Central Government).

(4) Board of Directors, Damodar Valley Corporation (Central Government).

7. The Committee held over consideration of Memoranda Nos. 207, 221 and 223 pending further information regarding the remuneration or house rent allowance payable to the members or Chairman thereof, as the case may be.

8. The Committee reconsidered Memo. Nos. 12, 13, 85 and 113 [Maharashtra State Electricity Board (Maharashtra), Maharashtra State Electricity Consultative Council (Maharashtra), State Canal Advisory Committee (Punjab) and Parks and Garden Committee (Central Government)] in the light of further information furnished by the State and Central Governments concerned in pursuance of the decision of the Committee at their earlier sittings. The Committee noted that on the first two committees Members of Parliament could not be appointed as per the provisions of the Electricity Supply Act, 1948 and the other two committees had ceased to exist. The Committee, therefore, decided that no further action was needed.

9. The Committee noted that the Export Risks Insurance Corporation (Private) Ltd. (Memorandum No. 225) already occurred in Part I of the Schedule to the Parliament (Prevention of Disqualification) Act, 1959 and felt that no change in respect thereof was necessary.

10. The Committee authorised the Chairman to fix their next sitting sometime in the first or second week of December, 1963.

11. The Committee then adjourned.

VII

Nineteenth Sitting

The Committee met on Friday, the 20th December, 1963 from 15.00 to 15.30 hours.

PRESENT

Shri G. N. Dixit—*Chairman.*

MEMBERS

Lok Sabha

2. Shri M. L. Dwivedi.
3. Shri M. M. Haq
4. Shri Yuveraj Dutta Singh

Rajya Sabha

5. Shri G. Rajagopalan
6. Shri Braja Kishore Prasad Sinha
7. Shri Lokanath Misra

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

2. The Committee discussed generally the future programme of their work and decided to meet next on Monday, the 20th January, 1964 at 15.00 hours.

3. The Committee then adjourned.

VIII

Twentieth Sitting

The Committee met on Monday, the 20th January, 1964 from 15.05 to 17.05 hours.

PRESENT

Shri G. N. Dixit—*Chairman.*

MEMBERS

Lok Sabha

2. Shri M. L. Dwivedi
3. Shri P. K. Ghosh
4. Shri M. M. Haq
5. Shri Harish Chandra Heda
6. Shri Paresh Nath Kayal
7. Shri Jaswantraj Mehta

Rajya Sabha

8. Shri G. Rajagopalan
9. Shri Braja Kishore Prasad Sinha
10. Shri Hira Vallabha Tripathi
11. Shri K. V. Raghunatha Reddy
12. Shri Lokanath Misra

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

2. The Committee considered further, Memorandum No. 196 regarding the request made by the Government of Madras for exempting the membership, chairmanship and secretaryship of the Small Scale Industries and Handicrafts Board, Madras, instead of placing that body in Part II of the Schedule to the Parliament (Prevention of Disqualification) Act, 1959, as recommended by the Joint Committee on Offices of Profit (Second Lok Sabha) in their First Report, in light of the rulings of Indian Courts of Law and the Election Tribunals having a bearing on the term "Offices of Profit".

The discussion was not concluded.

3. The Committee then adjourned to meet again on Tuesday, the 21st January, 1964 at 15.00 hours.

IX

Twenty-first Sitting

The Committee met on Tuesday, the 21st January, 1964 from 15.00 to 16.40 hours.

PRESENT

Shri G. N. Dixit—*Chairman*

MEMBERS

Lok Sabha

2. Shri M. L. Dwivedi
3. Shri P. K. Ghosh

4. Shri Harish Chandra Heda
5. Shri Paresh Nath Kayal
6. Shri Jaswantraj Mehta

Rajya Sabha

7. Shri G. Rajagopalan
8. Shri Braja Kishore Prasad Sinha
9. Shri Hira Vallabha Tripathi
10. Shri K. V. Raghunatha Reddy
11. Shri Lokanath Misra

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

2. The Committee took up further consideration of Memorandum No. 196 regarding the Small Scale Industries and Handicrafts Board, Madras. In this connection, the Committee persued further the decisions of the Supreme Court and other Election Tribunals having a bearing on the term "profit".

The discussion was not concluded.

3. The Committee then adjourned to meet again on Wednesday, the 22nd January, 1964 at 15.00 hours.

X

Twenty-second Sitting

The Committee met on Wednesday, the 22nd January, 1964 from 15.00 to 16.55 hours.

PRESENT

Shri G. N. Dixit—*Chairman.*

MEMBERS

Lok Sabha

2. Shri M. L. Dwivedi
3. Shri P. K. Ghosh
4. Shri Paresh Nath Kayal
5. Shri Jaswantraj Mehta

Rajya Sabha

6. Shri G. Rajagopalan
7. Shri Braja Kishore Prasad Sinha

8. Shri Hira Vallabha Tripathi
9. Shri K. V. Raghunatha Reddy
10. Shri Lokanath Misra

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

2. The Committee resumed further consideration of Memorandum No. 196 regarding the request made by the Government of Madras for exempting the membership, chairmanship and secretaryship of the Small Scale Industries and Handicrafts Board, Madras.

3. The Committee while considering the above matter noted the decision of the Supreme Court in Ravana Subanna *Vs.* G. S. Kaggeerppa (A.I.R. 1954, S.C. p. 653). In the light of this decision the Committee felt that the word "profit" connoted the idea of "pecuniary gain" and therefore an office under the Government, to which no pecuniary gain was attached, could not attract disqualification under article 102(1)(a) of the Constitution. However, the "offices" of Chairman and Secretary to which pecuniary gain was attached even though it might be less than "compensatory allowance", ought to be examined on merits for suitable recommendation in each case.

4. The Committee were of the opinion that the character and composition of the Small Scale Industries and Handicrafts Board, Madras, was such that its Chairman and Secretary ought not to be exempted from disqualification even though the Chairman of that Board was entitled to a sum of money as T.A. and D.A. which was less than compensatory allowance. They decided that it was not necessary to change the recommendation of the Joint Committee on Offices of Profit (Second Lok Sabha) in respect of this body.

5. The Committee then took up consideration of Memoranda Nos. 226 to 254 circulated by the Secretariat, regarding the composition and character of bodies appointed by the Central Government.

6. The Committee felt that the composition and character of the following bodies were such that their membership, directorship, chairmanship or secretaryship ought not to disqualify:

(1) Board of Directors of the Handicrafts and Handlooms Exports Corporation of India Ltd. (Ministry of Commerce).

(2) Air India Corporation Advisory Committee (Ministry of Transport).

(3) Indian Airlines Corporation Advisory Committee (Ministry of Transport).

(4) Rehabilitation Housing Corporation (Ministry of Works, Housing and Rehabilitation).

7. The Committee noticed that the Chairman, Secretaries and Directors of the bodies noted below were entitled to receive an amount in excess of the compensatory allowance as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959

and therefore they felt that the Chairmanship, Secretaryship and Directorship of these bodies ought not to be exempted from disqualification:

(1) Board of Directors of the Garden Reach Workshop Ltd. (Ministry of Defence).

(2) Board of Directors of the Mazagon Dock Ltd. (Ministry of Defence).

(3) Board of Directors of the Industrial Finance Corporation of India (Ministry of Finance).

(4) Life Insurance Corporation of India (Ministry of Finance).

(5) Board of Directors of the Hindustan Antibiotics Ltd. Pimpri (Ministry of Industry).

(6) Board of Directors of the National Small Industries Corporation Ltd. (Ministry of Industry). (except the non-official Director).

(7) Board of Directors of the Neyveli Lignite Corporation Ltd. (Ministry of Mines and Fuel).

(8) Board of Directors of the Indian Refineries Ltd. (Ministry of Mines and Fuel).

(9) Board of Directors of the National Coal Development Corporation (Private) Ltd. (Ministry of Mines and Fuel).

(10) Board of Directors of the Hindustan Machine Tools Ltd., Bangalore (Ministry of Steel and Heavy Industries).

(11) Board of Directors of the Praga Tools Corporation Ltd., Secunderabad (Ministry of Steel and Heavy Industries).

(12) Board of Directors of the Fertilizer Corporation of India Ltd. (Ministry of Steel and Heavy Industries).

(13) Board of Directors of the Hindustan Shipyard Ltd. Visakhapatnam (Ministry of Transport).

(14) Board of Directors of the Shipping Corporation of India Ltd., Bombay (Ministry of Transport).

(15) Board of Directors of the Indian Telephone Industries Ltd., Bangalore (Ministry of Transport).

(16) Board of Directors of the Hindustan Cables Ltd. (Ministry of Industry).

(17) Board of Directors of the Nahan Foundry Ltd. (Ministry of Industry).

(18) Board of Directors of the Hindustan Insecticides Ltd. (Ministry of Industry).

(19) Board of Directors of the Hindustan Salts Ltd. (Ministry of Industry).

(20) Board of Directors of the National Instruments Ltd. (Ministry of Industry).

8. The Committee decided that it was not necessary to consider the following bodies:

(1) Board of Directors, Bharat Electronics Ltd., Bangalore (Ministry of Defence).

(2) Board of Directors of the Hindustan Air-craft Ltd. (Ministry of Defence).

(3) Board of Directors of the Manganese Ore (India) Ltd. (Ministry of Mines & Fuel).

(4) Board of Directors of the Hindustan Teleprinters Ltd., Madras (Ministry of Transport).

9. The consideration of Memorandum No. 254 (Board of Directors of the Hindustan Organic Chemicals Ltd. (Ministry of Industry) was not concluded.

10. The Committee then adjourned to meet again on Thursday, the 23rd January, 1964 at 16.00 hours.

XI

Twenty-third Sitting

The Committee met on Thursday, the 23rd January, 1964 from 16.00 to 17.10 hours.

PRESENT

Shri G. N. Dixit—*Chairman*

MEMBERS

Lok Sabha

2. Shri M. L. Dwivedi

Rajya Sabha

3. Shri G. Rajagopalan

4. Shri Braja Kishore Prasad Sinha

5. Shri Hira Vallabha Tripathi

6. Shri K. V. Raghunatha Reddy

7. Shri Lokanath Misra.

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary*

2. The Committee took up for consideration Memorandum Nos. 254 to 270 circulated by the Secretariat regarding composition and character of bodies appointed by the Central and State Governments.

3. The Committee while examining Memorandum Nos. 254 to 258 noticed that a distinction was made in payment of remuneration to

non-official directors of the said bodies; while members of Parliament on those bodies were given a sum not more than compensatory allowance others were given more than the compensatory allowance. The Committee desired the Secretariat to furnish a statement showing the provisions in this regard as contained in the articles of association of those bodies and the manner in which those provisions were altered to make the distinction in the payment of remuneration. The consideration of these Memoranda was then held over.

4. The Committee felt that the composition and character of the following bodies were such that their membership, chairmanship or secretaryship ought not to disqualify:—

1. Uttar Pradesh Homoeopathic Medicine Board (U.P.).
2. Advisory Board of Museums (Andhra Pradesh).
3. Andhra Pradesh Sugarcane Advisory Committee (Andhra Pradesh).
4. Forage Resources Board (Madras).
5. State Tobacco Advisory Committee (Madras).

5. The Committee noticed that the Chairman, Secretaries and Directors of the bodies noted below were entitled to receive an amount in excess of the compensatory allowance as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959 and therefore they felt that the Chairmanship, Secretaryship and Directorship of these bodies ought not to be exempted from disqualification:

1. Board of Directors of the Heavy Electricals (India) Ltd.
2. Board of Directors of the National Mineral Development Corporation Ltd. (Ministry of Steel, Mines and Heavy Engineering).
3. Board of Directors of the Indian Oil Company Ltd. Bombay (Ministry of Petroleum and Chemicals).

6. The Committee decided that it was not necessary to consider the Board of Directors of Heavy Engineering Corporation Ltd. (Ministry of Steel and Heavy Industries) as all of its directors were officials.

7. The Committee deferred consideration of Memoranda Nos. 259 and 267.

8. The Committee also held over consideration of Memorandum No. 270 as they desired to examine the character and composition of village Panchayats and Zila Parishads of each state separately.

9. The Committee reconsidered the following bodies in the light of further information furnished by the State Governments. The Committee decided that the composition and character of all these

bodies was such that membership, chairmanship and Secretaryship of those bodies ought to be exempted from disqualification:—

1. Madhya Pradesh Central Medical Board (M.P.).
2. Board of Examiners for Cinema Operators, Madras.
3. Committee for the selection of Nurse pupils (Madras).
4. Committee for the selection of Auxiliary Nurse Midwives pupils (Madras).
5. Inspection Committee Madras.
6. Visiting Committee of Government Certified Schools Maharashtra.
7. Visiting Committee for provincialized Civil Hospitals (Punjab).
8. Informal Consultative Committee (West Bengal).
9. Board of Ayurvedic/Unani system of Medicines Punjab, Amritsar.

The Committee deferred further consideration of Block Development Committee (West Bengal).

10. The Committee authorised the Chairman to fix their next sitting during the ensuing session period.

11. The Committee then adjourned.

XII

Twenty-fourth Sitting

The Committee met on Wednesday, the 1st April, 1964 from 15.00 to 15.15 hours.

PRESENT

Shri G. N. Dixit—*Chairman*

MEMBERS

Lok Sabha

2. Shri Rajendranath Barua
3. Shri P. K. Ghosh
4. Shri Harish Chandra Heda
5. Shri Jaswantraj Mehta

Rajya Sabha

6. Shri G. Rajagopalan
7. Shri Braja Kishore Prasad Sinha
8. Shri Lokanath Misra

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary*

2. The Committee considered and adopted the draft Report.

3. The Committee decided that the Report might be presented to Lok Sabha on the 8th April, 1964 and laid on the Table of Rajya Sabha when that House met next.

4. The Committee authorised the Chairman and, in his absence, Shri Jaswantraj Mehta to present the Report on their behalf.

5. The Committee authorised Shri Lokanath Misra and in his absence, Shri Hira Vallabha Tripathi to lay the Report of the Committee on the Table of Rajya Sabha.

6. The Committee requested the Chairman to fix their next sitting after the casual vacancies in the Committee were filled in.

7. The Committee then adjourned.

GMGIPD—LS1—16(E)—6-4-64—325.